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9 **UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

10  
11 In re: ) Case No. 10-64039  
12 JAMES GIBBS, )  
13 ) Chapter 7  
14 Debtor ) DCN: GCL-1  
15 ) **MOTION FOR AN ORDER EXTENDING  
THE DEADLINE TO FILE OBJECTION  
TO DISCHARGE UNTIL JUNE 30, 2011**  
16 ) [FRBP 4007(c)]  
17 ) Date: April 22, 2011  
18 ) Time: 9:00 a.m.  
19 ) Place: Courtroom 11  
2500 Tulare Street  
Fresno, CA 93721

20 James Gibbs, (the “Debtor”) hereby moves this court for an Order Extending the  
21 Deadline to file Objection to Discharge until June 30, 2011 pursuant to Federal Rules of  
22 Bankruptcy Procedure (“FRBP”) Rule 4007(c) in this Chapter 7 case.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 I.

25 **FACTS RELEVANT TO THIS MOTION**

26 This Chapter 7 case was filed on December 3, 2010 and Sheryl Ann Strain was appointed  
27 as the Chapter 7 Trustee. The last day to oppose the discharge was set for March 8, 2011 in this  
28 matter.

1           The initial 341(a) Meeting of Creditors was scheduled for January 7, 2011 at 11:30 a.m.

2           On or about January 7, 2011 the 341(a) Meeting of Creditors was held and was continued  
3 to February 11, 2011.

4           On or about February 11, 2011 the continued 341(a) Meeting of Creditors was again  
5 continued to March 18, 2011, and the Chapter 7 Trustee has requested that the Debtor provide  
6 additional documents for the continued March 18, 2011 hearing.

7           At the February 11, 2011 continued hearing, the Chapter 7 Trustee requested that since  
8 the 341(a) Meeting of Creditors was again being continued to March 18, 2011 **after** the last day  
9 to oppose the discharge of March 8, 2011, that it would be necessary to file a Motion for an  
10 Order Extending the Deadline to file an Objection to Discharge until June 30, 2011 in this case.

11          By this Motion, the Debtor seeks an Order Extending the Deadline to file an Objection to  
12 Discharge until June 30, 2011 as requested by the Chapter 7 Trustee.

## 13           II.

### 14          **THE COURT HAS THE AUTHORITY TO EXTEND THE DEADLINE FOR CAUSE**

15          On noticed Motion of any party in interest for “cause” shown, the court may extend the  
16 filing deadline for an objection to discharge in a Chapter 7 case. *FRBP 4007(c); In re Rhodes*  
17 (9<sup>th</sup> Cir. BAP 1987) 71 B.R. 206, 207; *In re Santos* (9<sup>th</sup> Cir. BAP 1990) 12 B.R. 1001, 1007.

18          In deciding whether is “cause” for this purpose, courts engage in the same analysis used  
19 to determine “cause” for an extension of the deadline to file an objection to the Debtor’s  
20 discharge under FRBP 4004(b).

21          To determine “cause” for an extension, the court considers:

- 22           • whether granting the delay will prejudice the debtor; and
- 23           • the length of the delay and its impact on efficient court administration.

24          *In re Sturgis* (BC WD OK 1985) 46 B.R. 360, 364-365—“cause” includes complexity of debtor’s  
25 financial affairs (ruling applied to extend time for filing complaint under both §§727 and 523)

26          As stated above, the Chapter 7 Trustee has requested that Debtor file this Motion since  
27 the 341(a) Meeting of Creditors is being continued to March 18, 2011 **after** the last day to  
28 oppose the discharge of March 8, 2011.

III.

## **CONCLUSION**

For all the foregoing reasons, the Debtor respectfully requests that the Court grant the pending Motion for an Order Extending the Deadline to File Objection to Discharge until June 30, 2011 in this case.

Respectfully submitted,

Dated: March 8, 2011

GLOBAL CAPITAL LAW

/s/ Gary Harre \_\_\_\_\_  
Gary Harre, Esq.  
Diane Beall, Esq.  
Attorneys for Debtor JAMES GIBBS